

SEVENTEENTH DAY
HEADQUARTERS SECOND CORPS
SEPTEMBER 9, 1864

The Court met pursuant to adjournment.

Present, Major-General Hancock, president, Brigadier-Generals Ayres and Miles, and Colonel Schriver, judge-advocate.

The proceedings of the fourteenth, fifteenth, and sixteenth days were read and approved.

The Court, with closed doors, then resumed the discussion of the testimony, and decided on the following finding and opinion:

FINDING:

After mature deliberation on the testimony adduced the Court find the following "facts and circumstances attending the unsuccessful assault on the 30th of July:"

The mine, quite an important feature in the attack, was commenced by Major-General Burnside soon after the occupation of his present lines without any directions obtained from the headquarters of the Army of the Potomac. Although its location (and in this the engineers of the army concur) was not considered by Major-General Meade a proper one, it being commanded from both flanks and reverse, the continuance of the work was sanctioned.

It was not the intention of the lieutenant-general commanding or of the major-general commanding the Army of the Potomac, it is believed, to use the mine in the operations against Petersburg until it became known that the enemy had withdrawn a large port of his forces to the north side of the James River, when it was thought advantage might be taken of it in an assault. All the Union troops sent north of the James had been recalled in time to participate in the assault, so that the whole of the forces operating in front of Petersburg were disposable.

The mine was ordered to be exploded at 3:30 a.m., but owing to a defective fuse it did not take place till 4:45.

The detailed order or plan of operations issued by Major-General Meade is in accordance with General Grant's instructions, and was seen and approved by the latter previous to its publication. (It is marked K in the Appendix).

It is the concurrent testimony that had the order been carried out success would have attended the attack. Also it is in evidence that General Meade met General Burnside and three of his division commanders the day before the assault and impressed upon them that the operation was one of time; that unless prompt advantage were taken of the explosion of the mine to gain the crest it would be impossible to get it or the troops to remain outside of their lines.

That order directed that General Burnside should "form his troops (the Ninth Corps) for assaulting," and that General Ord, commanding the Eighteenth Corps, and General Warren, commanding the Fifth Corps, should support the assault on the right and left respectively.

Major-General Burnside's order (Numbers 60, Appendix) directed Brigadier-General Ledlie's division, immediately on the explosion of the mine to be moved forward and crown the crest known as Cemetery Hill. Brigadier-General Willcox was to move his division forward as soon as possible after General Ledlie's, bearing off to the left, and Brigadier-General Potter was to follow and go to the right. Brigadier-General Ferrero was to move his (colored) division next, and pass over the same ground that General Ledlie's did.

Five minutes after the explosion of the mine General Ledlie's division went forward and it was followed by those of Generals Willcox and Potter, though it is in evidence that the latter did not move in the prescribed order, and that they were not formed in a manner to do the duty assigned them.

General Ledlie's division, instead of complying with the order, halted in the crater made by the explosion of the mine and remained there about an hour, when Major-General Meade received the first intimation of the fact through a dispatch from Lieutenant-Colonel Loring, assistant inspector-general of the Ninth Corps, intended for General Burnside, in which he expressed the fear that the men could not be induced to advance.

This crater was on the enemy's line of works, and was 50 to 60 yards long, 20 yards wide, and 20 to 25 feet deep. It was about 500 yards from the cemetery crest.

General Burnside was then (at 5:40 a.m.) ordered to push forward to the crest all his own troops, and to call on General Ord to move forward his troops at once. It is in evidence that when the order was communicated to General Ferrero, commanding the colored division, he said he could not put in his troops until the troops already in front should be moved out of the way. They did go forward, however, after some delay, but only to be driven back and in their flight to rush impetuously against other troops, destroying their formation and producing disorder.

At 6:10 a.m., inquiry being made of General Burnside if it would be an advantage for Warren's supporting force to go in at once on the left, the answer was "there is scarcely room for it in our immediate front." The importance of the utmost promptness and the securing of the crest at once at all hazards were urged upon him 6:50 a.m.

At 7:20 a. m. General Burnside reported to General Meade that he was doing all in his power to push forward the troops, and, if possible, carry the crest and also that the main body of General Potter's division was beyond the crater. It does not appear in evidence, however, that they ever got any considerable distance, not exceeding 200 yards, beyond the crater toward the crest, whence they were driven back immediately. This was also the fate of the few colored troops who got over the enemy's line for a moment.

At 9 a.m. General Burnside reported many of the Ninth and Eighteenth Corps were retiring before the enemy and then was the time to put in the Fifth Corps. It having just been reported, however, by two staff officers (not General Burnside's) that the attack on the right of the mine had been repulsed, and that none of the Union troops were beyond the line of the crater-the commanding general thought differently, and the lieutenant-general concurring-General Burnside was directed at 9:50 a.m. to withdraw to his own entrenchments immediately or at a later period, but not to hold the enemy's line any longer than was required to withdraw safely his men. This order brought General Burnside to General Meade's headquarters, where he remonstrated against it, saying by night-fall he could carry the crest. No other officer who was present, and who has testified before the Court, concurred in this opinion. The troops in the crater were then ordered to retire, but before it could be effected they were driven out with great loss at 2 p.m. These troops, however, were making preparations to retire, and but for that would probably not have been driven out at that time.

The Fifth Corps did not participate at all in the assault, and General Ord's command only partially, because the condition of affairs at no time admitted of their co-operation as was contemplated by the order of assault.

THE CAUSES OF FAILURE ARE:

1. The injudicious formation of the troops in going forward, the movement being mainly by flank instead of extended front. General Meade's order indicated that columns of assault should be employed to take Cemetery Hill, and that proper passages should be prepared for those columns. It is the opinion of the Court that there were no proper columns of assault. The troops should have been formed in the open ground in front of the point of attack parallel to the line of the enemy's works. The evidence shows that one or more columns might have passed over at and to the left of the crater without any previous preparation of the ground.

2. The halting of the troops in the crater instead of going forward to the crest when there was no fire of any consequence from the enemy.

3. No proper employment of engineer officers and working parties, and of materials and tools for their use, in the Ninth Corps.

4. That some parts of the assaulting column were not properly led.

①
TROOP
FORMATION

②
HALTING AT
CRATER

③
ENGINEER
SUPPORT

④
POOR
LEADERSHIP

⑤
OF LDR'S
AT FRONT

5. The want of a competent common head at the scene of the assault to direct affairs as occurrences should demand.

Had not failure ensued from the above causes, and the crest been gained, the success might have been jeopardized by the failure to have prepared in season proper and adequate debouches through the Ninth Corps lines for troops, and especially for field artillery, as ordered by Major-General Meade.

The reason why the attack ought to have been successful are:

1. The evident surprise of the enemy at the time of the explosion of the mine and for some time after.
2. The comparatively small force in the enemy's works.
3. The ineffective fire of the enemy's artillery and musketry, there being scarcely any for about thirty minutes after the explosion, and our artillery being just the reverse as to time and power.
4. The fact that some of our troops were able to get 200 yards beyond the crater toward the crest, but could not remain there or proceed farther for want of supports or because they were not properly formed or led.

OPINION.

The Court having given a brief narrative of the assault, and the facts and circumstances attending it, it remains to report that the following named officers engaged therein appear from the evidence to be "answerable for the want of success" which should have resulted:

I. Major General A. E. Burnside, U. S. Volunteers, he having failed to obey the orders of the commanding general.

1. In not giving such formation to his assaulting column as to insure a reasonable prospect of success.
2. In not preparing his parapets and abatis for the passage of the columns of assault.
3. In not employed engineer officers, who reported to him, to lead the assaulting columns with working parties, and not causing to be provided proper materials necessary for crowning the crest when the assaulting columns should arrive there.
4. In neglecting to execute Major-General Meade's orders respecting the prompt advance of General Ledlie's troops from the crater to the crest; or, in default of accomplishing that, not causing those troops to fall back and give place to other troops more willing and

equal to the task, instead of delaying until the opportunity passed away, thus affording time for the enemy to recover from his surprise, concentrate his fire, and bring his troops to operate against the Union troops assembled uselessly in the crater.

Notwithstanding the failure to comply with orders and to apply proper military principles ascribed to General Burnside, the Court is satisfied he believed that the measures taken by him would insure success.

II. Brigadier General J. H. Ledlie, U. S. Volunteers, he having failed to push forward his division promptly according to orders and thereby blocking up the avenue which was designed for the passage of troops ordered to follow and support his in the assault. It is in evidence that no commander reported to General Burnside that his troops could not be got forward, which the Court regards as a neglect of duty on the part of General Ledlie, inasmuch as a timely report of the misbehavior might have enabled General Burnside, commanding the assault, to have made other arrangements for prosecuting it before it became too late. Instead of being with his division during the difficulty in the crater, and by his personal efforts endeavoring to lead his troops forward, he was most of the time in a bomb-proof ten rods in rear of the main line of the Ninth Corps works, where it was impossible for him to see anything of the movement of troops that was going on.

III. Brigadier General Edward Ferrero, U. S. Volunteers.

1. For not having all his troops formed ready for the attack at the prescribed time.
2. Not being forward with them to the attack.
3. Being in a bomb-proof habitually, where he could not see the operation of his troops, showing by his own order issued while there that he did not know the position of two brigades of his division or whether they had taken Cemetery Hill or not.

IV. Colonel Z. R. Bliss, Seventh Rhode Island Volunteers, commanding First Brigade, Second division, Ninth Corps. In this, that he remained behind with the only regiment of his brigade which did not go forward according to the orders and occupied a position where he could not properly command a brigade which formed a portion of an assaulting column, and where he could not see what was going on.

V. Brigadier General O. B. Willcox, U. S. Volunteers.

The Court is not satisfied that General Willcox's division made efforts commensurate with the occasion to carry out General Burnside's order to advance to Cemetery Hill, and they think that more energy might have been exercised by Brigadier-General Willcox to cause his troops to go forward to that point.

Without intending to convey the impression that there was any disinclination on the part of the commanders of the supports to heartily co-operate in the attack on the 30th of July, the Court express their opinion that explicit orders should have been given assigning one

officer to the command of all the troops intended to engaged in the assault when the commanding general was not present in person to witness the operations.

WINF'D S. HANCOCK, Major-General, U. S. Volunteers, President of Court.

ED. SCHRIVER, Inspector-General U. S. Army, Judge-Advocate.

The court then adjourned sine die.

WINF'S S. HANCOCK, Major-General U. S. Volunteers, President of Court.

ED. SCHRIVER, Inspector-General U. S. Army, Judge-Advocate.